

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28002 of 2020

Arising Out of PS. Case No.-173 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. SAURAV KUMAR S/o Arun Rai Resident of Village-Basudeopur, P.S.-Muffasil, District-Begusarai.
 2. Arun Rai S/o Gendhari Rai Resident of Village-Basudeopur, P.S.-Muffasil, District-Begusarai.
 3. Madan Rai S/o Gendhari Rai Resident of Village-Basudeopur, P.S.-Muffasil, District-Begusarai.
 4. Kundan Kumar S/o Arun Rai Resident of Village-Basudeopur, P.S.-Muffasil, District-Begusarai.
 5. Pawan Kumar S/o Ashok Rai Resident of Village-Basudeopur, P.S.-Muffasil, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr.A.M.P. Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 08-02-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 19.10.2020, within four weeks of starting of Court proceeding in physical mode.

Learned counsel appearing on behalf of the petitioners seeks permission to withdraw the application filed on behalf of the petitioner Nos. (1) Saurav Kumar, (2) Arun Rai, (3) Madan Rai and (5) Pawan Kumar, as they have already been apprehended by the Police.



In view of the above, the application filed on behalf of the petitioner Nos. (1) Saurav Kumar, (2) Arun Rai, (3) Madan Rai and (5) Pawan Kumar, is dismissed as withdrawn.

Heard learned counsel for the petitioner No. 4 Kundan Kumar and the learned A.P.P. for the State.

The petitioner No.4 Kundan Kumar apprehends his arrest in connection with Muffasil P.S. Case no. 173 of 2020, registered under Section 120(B) of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

The accusation is that in course of patrolling duty, the informant and other Police personnel received information to the effect that in the orchard of Janardan Rai, situated in village-Basudeopur, several persons are indulged in preparing the illicit liquor, thereafter, informant along with other Police personnel reached there. On seeing the Police party, several persons succeeded to flee away along with apparatus and utensils from the orchard. On search, 18 litres of country made liquor, kept in two containers, recovered. On inquiry, name of five persons, including the petitioners, came in light, who were indulged in preparing of illicit liquor.

Learned counsel appearing for the petitioner No.4 Kundan Kumar submits that it would appear from the F.I.R.



that petitioner was not apprehended on the spot, rather, his name came in course of inquiry made by the informant. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner No.4, namely, Kundan Kumar, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Muffasil P.S. Case No. 173 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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